

COURT UNITED STATES DISTRICT COURT  
COUNTY OF FOR THE SOUTHERN DISTRICT OF NEW YORKTHE ESTATE OF YARON UNGAR, BY AND THROUGH ITS  
ADMINISTRATOR, DAVID STRACHMAN, ET AL  
PETITIONERS,  
against~~Plaintiffs~~MORGAN STANLEY/MORGAN STANLEY DW, INC., ET AL  
RESPONDENTS. ~~Defendants~~

Index No. 05 CIV. 3710(RWS)

AFFIDAVIT OF  
SERVICE OF SUMMONS~~(AND COMPLAINT)~~IN A CIVIL CASE, RULE 7.1 STATEMENT  
ANSWER AND THIRD-PARTY PETITION ALLEGING A  
CLAIM IN THE NATURE OF INTERPLEADERNEW MEXICO  
STATE OF NEW MEXICO, COUNTY OF BERNALILLO SS: The undersigned, being duly sworn, deposes and says; deponent is not a  
party herein, is over 18 years of age and resides at 5509 Camino Sandia, NE Albuquerque, NM 87111  
That on August 12, 2005 at 4:15 P.M., at 20 First Plaza, Ste 700 Albuquerque, NM 87101  
deponent served the within summons, ~~and complaint~~ on THE HOLY LAND FOUNDATION FOR  
IN A CIVIL CASE, RULE 7.1 STATEMENT, ANSWER RELIEF AND DEVELOPMENT defendant therein named,  
AND THIRD-PARTY PETITION ALLEGING A CLAIM  
IN THE NATURE OF INTERPLEADER

INDIVIDUAL  
1. ☐ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION  
2. ☒ a DOMESTIC corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof. John Byrd

SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE  
USE WITH 3 OR 4  
5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

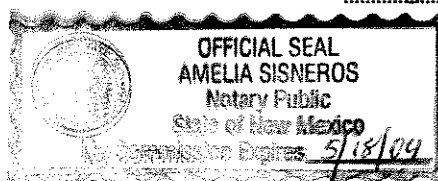
MAILING TO BUSINESS  
USE WITH 3 OR 4  
5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3  
☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☒ 131-160 Lbs.  
☐ Brown Skin ☒ Gray Hair ☐ Beard ☒ 51-65 Yrs. ☒ 5'9"-6'0" ☐ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.  
☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE  
☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 8-17-05  
Amelia Sisneros

PRINT NAME BENEATH SIGNATURE

License No. 5509-1

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
THE ESTATE OF YARON UNGAR

PETITIONERS,

-AGAINST-

MORGAN STANLEY/MORGAN STANLEY DW, INC.,  
RESPONDENTS.  
-----X

IND.#05CIV.3710(RWS)  
AFFIDAVIT OF  
ATTEMPTED  
SERVICE

State of New York

ss:

County of New York

I, Peter Feldman, being duly sworn depose and state that I am a licensed process server being license number 797824 . I am not a party in this action and I am over the age of eighteen years.

At the request of the law firm of Davis, Polk & Wardwell, I was asked to serve a Summons In a Civil Case, Rule 7.1 Statement, Answer and Third-Party Petition Alleging A Claim In The Nature of Interpleader upon The Holy Land Foundation for Relief and Development at 345 E. Railway Avenue, Paterson, New Jersey 07503.

On 08/11/05, I went to the given address and found a new business called Sahara Restaurant and Bakery. I spoke to an employee/waitress in the restaurant who told me that the Holy Land Foundation has been out of business for a few years.

I was unable to serve the Summons In a Civil Case, Rule 7.1 Statement, Answer and Third-Party Petition Alleging A Claim In The Nature of Interpleader upon The Holy Land Foundation for Relief and Development at 345 E. Railway Avenue, Paterson, New Jersey 07503 because they are no longer at the given address.

  
Peter Feldman #797824

Sworn to before me on this

22<sup>nd</sup> day of August, 2005



IRVING BOTWINICK  
Notary Public, State of New York  
No. 01804657147  
Qualified in Rockland County  
Commission Expires Oct. 31 2006

**AFFIDAVIT OF DUE DILIGENCE**

State of New York

County of Southern

U S D C Court

Index Number: 95CV3710(RWS)

Date Filed: \_\_\_\_\_

PLAINTIFF:

**The Estate of Yaron Ungar, et al.,**

vs.

DEFENDENT:

**Morgan Stanley/Morgan Stanley DW, Inc., et al.,**

Received by SERVING BY IRVING on the 12th day of August, 2005 at 8:40 am to be served on **THE HOLY LAND FOUNDATION, 9250 S. Harlem Avenue, Bridgeview, IL.**

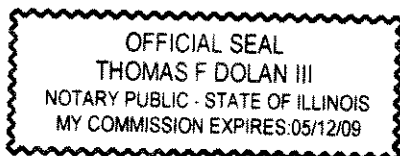
I, Robert C. Regalado - Process Server, being duly sworn, depose and say that on the **12th day of August, 2005 at 12:00 pm, I:**

**NON SERVED**: Discontinued attempting service of the **SUMMONS IN A CIVIL CASE** for the reasons detailed in the comments below.

**Additional Information pertaining to this Service:**

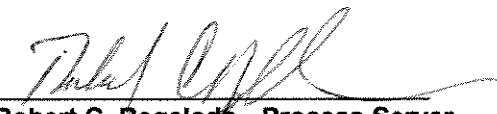
Defendant not at given address.

I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on the 19th day of August, 2005 by the affiant who is personally known to me.

  
\_\_\_\_\_  
NOTARY PUBLIC

  
**Robert C. Regalado - Process Server**  
Agency Lic. # 117-001132

**SERVING BY IRVING**  
**Woolworth Building**  
**233 Broadway, Ste 2201**  
**New York, NY 10279**  
**(212) 233-3346**  
Our Job Serial Number: 2005001627

COURT UNITED STATES DISTRICT COURT  
COUNTY OF FOR THE SOUTHERN DISTRICT OF NEW YORKTHE ESTATE OF YARON UNGAR, BY AND THROUGH ITS  
ADMINISTRATOR, DAVID STRACHMAN, ET ALPETITIONERS,  
against

MORGAN STANLEY/MORGAN STANLEY DW, INC., ET AL

RESPONDENTS.

Index No. 05 CIV. 3710(RWS)

AFFIDAVIT OF  
SERVICE OF SUMMONS~~(AND COMPLAINT)~~IN A CIVIL CASE, RULE 7.1 STATEMENT  
ANSWER AND THIRD-PARTY PETITION ALLEGING A  
CLAIM IN THE NATURE OF INTERPLEADERCALIFORNIA  
STATE OF NEW YORK, COUNTY OF

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at

That on at M., at

deponent served the within summons, ~~and complaint on~~  
IN A CIVIL CASE, RULE 7.1 STATEMENT, ANSWER  
AND THIRD-PARTY PETITION ALLEGING A CLAIM  
IN THE NATURE OF INTERPLEADERTHE HOLY LAND FOUNDATION FOR  
RELIEF AND DEVELOPMENT

defendant therein named,

## INDIVIDUAL

1. ☐by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
said defendant therein.

## CORPORATION

2. ☒a DOMESTIC corporation, by delivering thereat a true copy of each to  
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be MANAGING AGENT thereof.

## SUITABLE AGE PERSON

3. ☐by delivering thereat a true copy of each to a person of suitable age  
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

## AFFIXING TO DOOR, ETC.

4. ☐by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called thereNon-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been  
unable to effect process upon the person/entity being served because of the following reason(s):☐ Unknown at Address ☒ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion☐ Address Does Not Exist ☐ Other See attached Not Found Return ReportMAILING TO  
RESIDENCE

USE WITH 3 OR 4

5A. ☐Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.MAILING TO  
BUSINESS

USE WITH 3 OR 4

5B. ☐Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.

## DESCRIPTION

USE WITH  
1, 2, OR 3☒

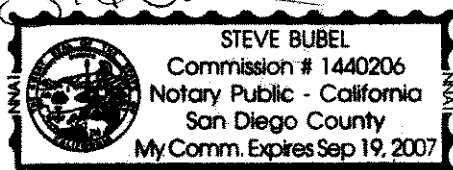
<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.☐The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).MILITARY  
SERVICE☐I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

Sworn to before me on

5/12/05



PRINT NAME HERE WITH SIGNATURE

License No. ....

Ref. No. : 0996358-01  
Atty. File No. : 05 CIV. 3710(RWS)

UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
SOUTHERN DISTRICT JUDICIAL DISTRICT

PLAINTIFF : THE ESTATE OF YARON UNGAR  
DEFENDANT : MORGAN STANLEY

Case No.: 05 CIV. 3710 (RWS)  
**NOT FOUND RETURN**

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action.

I received the within process on 08/11/05. After due and diligent effort I have been unable to effect personal service on the within named

THE HOLY LAND FOUNDATION FOR RELIEF AND DEVELOPMENT  
SERVE AUTHORIZED AGENT

at

12798 RANCHO PENASQUITOS BLV SUITE F, SAN DIEGO CA 92128 (Business)

Dates and times of attempts are as follows:

08/12/05 11:15A Attempted service at the business address;  
address is now "Sam's Dental Lab" they have  
08/12/05 been there for 1 1/2 years ph # 858-538-6040.  
08/12/05 12:30P Cancel & return

Person serving:  
ERIC J. TALBOT

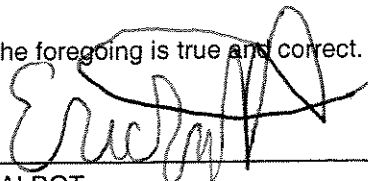
Registered California Process server  
Registration No.: 0883  
County: SAN DIEGO, CA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 12, 2005

Signature: \_\_\_\_\_

ERIC J. TALBOT



# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

THE ESTATE OF YARON UNGER, et al,

Petitioners,

SUMMONS IN A CIVIL CASE

V.

Case No. 05 CV. 3710 (RWS)

MORGAN STANLEY/MORGAN STANLEY  
DW, INC., et al,

Respondents,

V.

JPMORGAN CHASE BANK, N.A.,

Respondent-Stakeholder and  
Third-Party Petitioner,

V.

UNITED STATES OF AMERICA, THE HOLY  
LAND FOUNDATION FOR RELIEF AND  
DEVELOPMENT, THE ESTATE OF  
YARON UNGAR, et al,

Third Party Respondents-  
Adverse Claimants,

## AFFIDAVIT OF ATTEMPTED SERVICE

I, James L. Barns, having been first duly sworn do state that:

Upon penalty of perjury, I attest that the forgoing instrument has been executed by me in this cause pursuant to the Rules of Civil Procedure. I am over the age of eighteen years old and I am not a party to this suit, nor have any interest in the out come of the suit.

That on August 9, 2005 at 10:30 A.M., I received true copies of a Summons In A Civil Case, Complaint, Rule 7.1 Statement, Answer And Third Party-Petition Alleging A Claim In The Nature Of Interpleader to be delivered to The Holy Land Foundation 525 International Parkway, Suite 509 Richardson, Texas 75081.



That on August 9, 2005 at 11:10 A.M., I found that I could not deliver true copies of the Summons In A Civil Case, Complaint, Rule 7.1 Statement, Answer And Third Party-Petition Alleging A Claim In The Nature Of Interpleader to The Holy Land Foundation 525 International Parkway, Suite 509 Richardson, Texas 75081. The Holy Land Foundation is not located at the address given. I found a company called SKP FSB now occupies the suite. I found that The Holy Land Foundation has not occupied the suite for a year or two.

Military Service: ☐ I asked the person spoken to, whether defendant was in active military service of the United States or of the State of Texas in any capacity whatever and received a negative reply.  
☐ Recipient wore ordinary civilian clothes and no military uniform.  
☐ The source of my information and the grounds of my belief are the conversations and or observations above narrated.  
☐ Upon information and belief, I aver that the recipient is not in the military service of the State of Texas or of the United States of America as that term is defined in either the State or in the Federal statute.

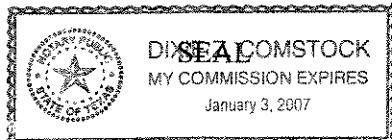
☐ Description:

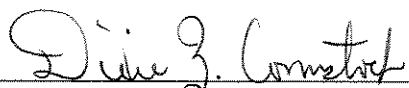
Sex	Color	Hair		Approximate Age	Height	Weight
<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
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	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'-0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Bald No Hair	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Further the Affiant says not.

  
 AFFIANT

SUBSCRIBED AND SWORN TO BY, James L. Barns, on this the 10th day of August 2005, to attest witnesses my hand and seal of office.



  
 Notary Public in and for  
 the State of Texas